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11	UNITED STATES DISTRICT COURT				
12	WESTERN DISTRICT OF WASHINGTON AT TACOMA				
13	UNITED STATES OF AMER	ICA.			
14	Plaintiff/Respon		NO. CR95-	5851JET	
15	V.	,	ORDER		
16 17	JOSE M. RUIZ, aka JOSE RO	DRIGUEZ			
18	FLORES,				
19	Defendant/Petiti	oner.			
20	THIC MATTER	1.6.4	1 21 10		
21	This will the comes on serve the above entitled court upon belondant's Motion				
22	for a Writ of Error Audita Querela.				
23	That mig considered the entirety of the records and the nerelli, the court intes and rules as				
24					
25	Determant seeks resemen	icing by way 01 a W	ти от лишии Querei	a based upon <u>omited states</u>	
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1	v. Booker, 125 S.Ct. 738 (2005). The Defendant's sentence became final prior to the Booker				
2	decision. Booker does not apply retroactively to cases that became final prior to January 12, 2005.				
3	Guzman v. United States, 2005 WL 803214. Accordingly, it is hereby				
4	ORDERED that Defendant's Motion for Writ of Error Audita Querela is DISMISSED.				
5	The Clerk of the Court is instructed to send uncertified copies of this Order to all counsel of				
6	record.				
7	DATED this 9h day of August, 2005.				
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9	/s JACK E. TANNER				
10	JACK E. TANNER				
11	SR. UNITED STATES DISTRICT JUDGE				
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